UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

DEUTSCHE BANK TRUST COMPANY AMERICAS, et al.,

Case No. 1:11-cv-04784-RJH

Plaintiffs,

v.

NOTICE OF APPEARANCE

ADALY OPPORTUNITY FUND TD SECURITIES, INC., et al.,

:

Defendants.

TO THE CLERK OF THIS COURT AND ALL PARTIES OF RECORD:

PLEASE TAKE NOTICE that I, Scott C. Kessenick of DECHERT LLP, hereby enter my appearance as counsel of record for Defendant Clearwater Investment Trust in the above-captioned action, and request that copies of all papers in this action be served upon me at the address set forth below. I certify that I am admitted to practice before this Court.

Dated: New York, New York November 4, 2011

Respectfully,

/s/ Scott C. Kessenick

Scott C. Kessenick (I.D. No. SK1984)

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Counsel for Defendant Clearwater Investment Trust

CERTIFICATE OF SERVICE

I, Scott C. Kessenick, hereby certify that on November 4, 2011, I caused the foregoing Notice of Appearance to be electronically served via the Court's CM/ECF system upon all counsel of record.

/s/ Scott C. Kessenick